

REMARKS

Applicants respectfully request the Examiner to reconsider the present application in view of the foregoing amendments to the claims and the following remarks.

Status of the Claims

Claims 4-9, 14 and 16-23 are pending in this application. Claims 6-9 are withdrawn from consideration. Claim 4 is independent.

In the present Amendment, claim 4 has been amended, and claim 15 has been canceled without prejudice or disclaimer of the subject matter contained therein.

No new matter has been added with the amendment to claim 4, as subject matter has been deleted and also reflects the subject matter of canceled claim 15.

Reconsideration of this application, as amended, is respectfully requested.

Claim Objection and Rejection under 35 U.S.C. § 103(a)

Claims 5, 15 and 17-22 are objected to as being dependent on rejected claim 4 (Office Action, top of page 3).

Also, claims 4, 14, 16 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fourtillan '471 (U.S. Patent No. 5,763,471) (Office Action, pages 3-5).

Applicants respectfully traverse and note that the objection and rejection are rendered moot, as claim 4 now incorporates the subject matter of claim 15, which is not at issue. Thus, reconsideration and withdrawal of the objection and rejection are respectfully requested.

Claims 6-9

Applicants respectfully request rejoinder of withdrawn claims 6-9.

Claim 6 is a composition claim that recites the compound of claim 4, and thus should be allowable.

Regarding claims 7-9, these claims also require the limitations of claim 4. Further, Applicants request that these process claims be rejoined and found allowable pursuant to *In re Ochiai*, 37 U.S.P.Q.2d 1127 (Fed. Cir. 1995). Applicants also note M.P.E.P. § 821.04(b), which states: “However, if applicant elects a claim(s) directed to a product which is subsequently found allowable, withdrawn process claims which depend from or otherwise require all the limitations of an allowable product claim will be considered for rejoinder. All claims directed to a nonelected process invention must depend from or otherwise require all the limitations of an allowable product claim for that process invention to be rejoined. Upon rejoinder of claims directed to a previously nonelected process invention, the restriction requirement between the elected product and rejoined process(es) will be withdrawn.”

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

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Art Unit 1628
Reply to Office Action of April 13, 2011**

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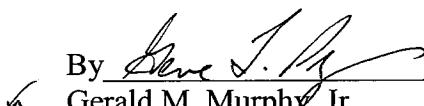
In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez, Registration No. 48,501 at the telephone number of the undersigned below to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: May 26, 2011

Respectfully submitted,

By 
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